

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Gross et al.

Serial No.: Not assigned

For: **METHODS AND APPARATUS FOR SUPPORTING EGGS DURING *IN OVO* INJECTION**

Commissioner for Patents  
Washington, DC 20231

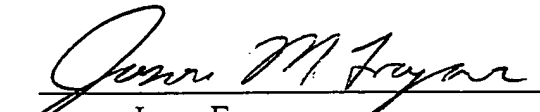
**AFFIDAVIT OF JASON FRYAR**

Sir:

I hereby declare that I, Jason Fryar, being first duly sworn on oath, do hereby state and allege as follows:

1. I am the Production and Marketing Director of Embrex, Inc., assignee of the above-referenced patent application.
2. The egg support assembly described and claimed in the above-referenced patent application was trial tested outside the United States as follows:
  - a) An Embrex, Inc. Inovoject® egg injection machine in a hatchery in Denmark was retrofitted with the egg support assembly in January, 2000.
  - b) An Embrex, Inc. Inovoject® egg injection machine in a hatchery in Brazil was retrofitted with the egg support assembly in April, 2000.
  - c) Two new Embrex, Inc. Inovoject® egg injection machines that included the egg support assembly were installed in a hatchery in Brazil in August, 2000.
3. The egg support assembly described and claimed in the above-referenced patent application was first installed in an Embrex, Inc. Inovoject® egg injection machine in the United States in a hatchery in Clermont, Georgia in January, 2002.

The undersigned declares that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
Jason Fryar  
Date: 10/10/03